

Horan, Brian

From: Gary M. Kushner [gkushner@GoetzFitz.com]
Sent: Monday, November 07, 2011 6:52 PM
To: Kleinman, Alan
Cc: William.E.Curtin@usdoj.gov; Davis, Wayne H.; Horan, Brian; Ronald Coleman; Ari Noe; Howard Crystal
Subject: sent under the protections of FRE 408

Alan, please include Ronald Coleman on your e-mails. My letter did respond to your 10/28 letter where you specifically asked me to forego challenges to the automatic stay position of the City as to “**any** proceedings in which OTR is the respondent or lessee...”. So we are clear, no state court or ECB proceedings against OTR are to go forward until we stipulate to agreed locations or the City obtains relief from the stay. And to be further clear, I need to check with Mr. Holzer before I can give the Debtor’s consent to vacatur of the stay as to any location. Please be guided accordingly. gmk

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From: Kleinman, Alan [mailto:akleinma@law.nyc.gov]
Sent: Monday, November 07, 2011 6:05 PM
To: Gary M. Kushner
Cc: William.E.Curtin@usdoj.gov; Davis, Wayne H.; Horan, Brian
Subject: OTR existing signs

Confirming our conversation, I noted that your letter failed to respond to my October 28 letter's questions regarding moving forward on exiting signs, specifically, the signs listed in the Holzer affidavit cited in my letter. I request that you advise me whether OTR objects to proceeding with enforcement regarding these existing signs. I note that the Carmine Street sign, that we specifically discussed in Court, is scheduled for an ECB hearing on 11/10/11. The 261 Walton Avenue sign is scheduled for a hearing on 11/18. Your client should be aware of these dates. Please let me know your position with respect to these upcoming hearings. Please also let me

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know your client's position with respect to the issuance of new Notices of Violation for the other existing signs. We were expecting an answer to these questions in your letter of today. An answer to these questions by close of business tomorrow would be appreciated. Thank you.

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